

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
v.    )  
  ) CRIMINAL NO. 21-CR-30028-MGM  
BENJAMIN SHACAR,                                )  
  )  
  )  
Defendant.   )  
  )  
  )

**DEFENDANT’S MOTION FOR LEAVE OF COURT TO FILE EXHIBITS TO THE**  
**DEFENDANT’S REPLY TO THE GOVERNMENT’S RESPONSE TO THE**  
**DEFENDANT’S MOTION TO COMPEL DISCOVERY NON PRO TUNC TO**  
**MARCH 29, 2024**

Now comes the defendant Benjamin Shacar, pursuant to Local Rule 7.1(b)(3) and requests that the Court allow the defendant leave to file Exhibits 1-19 to his reply to the government’s response to his motion to compel discovery which reply was filed with the Court on March 29, 2024.

As grounds therefore, the defendant states that the government contends that he has not sufficiently authenticated the documents in the exhibits filed in support of the motion to compel evidence. Exhibits 1-12 serve to authenticate the information contained in Exhibit J to the motion to compel evidence which is a table depicting a comparison of tip language and probable cause language in other cases.

Exhibit 13 is a press release in its original Portuguese which relates to Exhibit N to the motion to compel. Exhibit N to the motion to compel is the translation from Portuguese to English.

Exhibit 14 is a portion of a transcript in the matter of *United States v. Duggan* in the Southern District of West Virginia relating to the technique of de-anonymizing Tor users as discussed in Exhibit P to the motion to compel.

Exhibit 15 supplements the information in Exhibit Q to the motion to compel. It is a FOIA response from the government relating to the cooperation between United States

government officials and foreign law enforcement agencies relative to the investigation into servers well before the tip in this case.

Exhibit 16 is a statement from the FLA which provided the tip in this case regarding an operation demonstrating a collaborative effort in an investigation into child exploitation websites.

Exhibit 17 deals with information originally filed in a criminal case which outlined law enforcement methodology used to unearth a defendant's criminal conduct in a similar case and then sealed by the court.

Exhibit 18 references a Homeland Security agent who authored one of the first search warrant applications in this investigation and received an honor from the FLA which provide the tip in this case in relation to his participation in an investigation into child exploitation websites.

Exhibit 19 references DOJ pronouncements on its efforts in leading and coordinating strategic enforcement operations and prosecutions of individuals active in Tor-network-based child exploitation websites.

As the proposed documents are relevant to the government's response in opposition to the defendant's motion to compel discovery, the defendant respectfully requests that this Honorable Court allow him to file these exhibits as attachments to his reply.

Respectfully submitted,

BENJAMIN SHACAR

/s/ William J. O'Neil

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**CERTIFICATE OF SERVICE**

I hereby certify that true copies of this document will be served on the registered parties through the ECF system on this date April 9, 2024.

/s/ William J. O'Neil  
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